



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

JAN - 6 2006

Mr. Thomas Guadet  
Service Transport Group Inc.  
58 Pyles Lane  
New Castle, DE 19720

Ref. No. 05-0286

Dear Mr. Guadet:

This is in response to your November 17, 2005 letter requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to shipments of asbestos contained in manufactured articles.

As provided in § 172.102, Special Provision 156, asbestos contained in manufactured articles, (for example, vinyl floor tiles or roofing papers), or immersed or fixed in a natural or artificial binder material (for example, cement or asphalt) is not subject to the HMR. However, asbestos containing material that has been subject to abrading, sanding or cutting such that the asbestos is no longer contained in the manufactured article is subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

*John A. Gale*  
62

John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



050286

172.102  
SP 156

SERVICE TRANSPORT GROUP, INC

58 PYLES LANE  
NEW CASTLE, DE 19720



PHONE: (302) 778-5930  
FAX: (302) 778-0446

November 17, 2005

Hattie L Mitchell  
Chief Regulatory Review and Reinvention  
Office of Hazardous Materials Standards  
U.S. Department of Transportation  
400 Seventh Street S.W.  
Washington, DC 20690

Leary  
3172.102  
SP 156  
Asbestos/Special  
Provisions  
05-0286

RE: NESHAP Regulated Asbestos Containing Material

Dear Ms. Mitchell

Enclosed is a letter from Tia Chambers, U.S. EPA Region III Asbestos Programs Coordinator, clarifying the EPA's labeling requirements for asbestos containing waste materials that are subject to the Asbestos NESHAP Regulations.

Does the U.S. DOT consider asbestos containing material (ACM) that meets the Asbestos NESHAP definition in that letter to be subject to the U.S. DOT Hazardous Materials Regulations 49 CFR 171-180 as asbestos is defined in section 173.216, or, does the U.S. DOT consider this material to meet the criteria of 49 CFR 172.102 Special Provision Number 156.

The U.S. EPA does not regulate Category I and Category II nonfriable ACM so long as the ACM remains in a nonfriable state during and after asbestos removal procedures. These materials include gaskets, resilient floor covering, asphalt roofing, and concrete. The NESHAP definitions are found in 40 CFR 61.141 (enclosed). There are no Asbestos NESHAP labeling requirements for these asbestos containing waste materials.

Does the U.S. DOT consider nonfriable ACM, which is not subject to Asbestos NESHAP Regulations, to be subject to the U.S. DOT HMR, or, does the U.S. DOT consider this material to meet the criteria of 49 CFR 172.102 Special Provision Number 156.

Thank you for your time regarding this issue. If you have any questions regarding the above, please call me at 1-302-778-5930 or e-mail me at [tgaudet@svctransport.com](mailto:tgaudet@svctransport.com).

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas Gaudet", written over a circular stamp or seal.

Thomas Gaudet  
Service Transport Group, Inc.

cc: Joe Evans, HMR Program Manager, Eastern Service Center



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2023**

Via Fax  
Mr. Tom Gaudet  
Service Transport Group  
58 Pyles Lane  
New Castle, DE 19720

NOV 14 2005

Dear Mr. Gaudet:

This letter is in response to your request to clarify the labeling requirements as set forth in the Asbestos NESHAP. In order to determine if the labeling requirements apply, you must determine if the material meets all of the following conditions:

1. The material must contain more than one percent (1%) of asbestos.
2. The amount of the material must be at least 260 linear feet, 160 square feet, or 35 cubic feet.
3. The material must meet the definition of regulated asbestos containing materials (RACM). The Asbestos NESHAP defines RACM as friable asbestos material; Category I nonfriable asbestos containing material (ACM) that has become friable; Category I nonfriable asbestos material that will be or has been subject to abrading, sanding, grinding, cutting; or Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

If the material fails to meet one of the conditions, the Asbestos NESHAP's labeling requirement does not apply. If the material meets all of the above conditions, the Asbestos NESHAP labeling requirement does apply.

According to the Asbestos NESHAP, it requires the owners and operators of manufacturing, fabricating, demolition, renovation, and spraying operations to comply with labeling requirements as set forth in 40 CFR 61.150. The labeling requirement states that the containers or wrapped materials must be labeled in accordance with the Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administrator (OSHA) under 29 CFR 1910.1001(j) or 1926.1101(k)(8). In addition, these labels should be printed in a such manner that they are visible and legible using a contrasting background. Therefore, the label should contain the following information:

**DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD**

for all manufacturing, fabricating, demolition, renovation, and spraying operations as required by Asbestos NESHAP.

EPA is aware that the Department of Transportation has labeling requirements. Please refer to the Department of Transportation regarding their regulations. As always, EPA encourages the affected sources or regulated communities to comply with all applicable regulations regarding asbestos from other federal agencies. Please note that the information contained in this letter addresses EPA's asbestos requirements. EPA's asbestos requirements do not supersede any other federal agency, local, county, and state requirements. Therefore, EPA suggests that you contact these agencies to ensure compliance with all applicable asbestos regulations. If you have any further questions, please contact me at (215) 814-2164.

Sincerely,



Tia Chambers

Asbestos Programs Coordinator